

Exhibit 3

United States of America ex rel. Ven-A-Care of the Florida Keys, Inc., et al.
v. Dey, Inc., et al., Civil Action No. 05-11084-PBS

**Exhibit to the March 10, 2010 Declaration of Sarah L. Reid in Support of Dey
Defendants' Response to Plaintiffs' Motion Concerning The Use of Depositions**

Concord, NH

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY) MDL No. 1456
AVERAGE WHOLESAL PRICE LITIGATION) Master File No.
-----) 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:)
United States of America ex rel.) Hon. Patti B.
Ven-A-Care of the Florida Keys,) Saris
Inc., et al. v. Dey, Inc., et al.,)
Civil Action No. 05-11084-PBS,) VIDEOTAPED
and United States of America ex) DEPOSITION
rel. Ven-A-Care of the Florida) OF THE NEW
Keys, Inc., et al. v. Boehringer) HAMPSHIRE DEPT.
Ingelheim Corp., et al., Civil) OF HEALTH &
Action No. 07-10248-PBS and United) HUMAN SERVICES
States, ex rel. Ven-A-Care of the) BY LISE C.
Florida Keys v. Abbott) FARRAND
Laboratories, Inc. Civil Action)
Nos. 06-CV-11337 and 07-CV-11618) OCTOBER 28, 2008
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Concord, NH

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1 Q. And do you recall that some of those
2 AWP's were for Abbott NDC's?

3 A. I don't remember that.

4 Q. But there weren't any examples where
5 the state of New Hampshire chose not to use
6 certain of the DOJ AWP's; in other words, pretty
7 much for all of the DOJ AWP's that were supplied,
8 the state of New Hampshire used those, right?

9 A. Correct.

10 Q. And has the -- to your knowledge, has
11 the state of New Hampshire considered using any
12 other price figure like WAC or direct price or
13 list price or AMP in place of using AWP?

14 A. As I stated earlier, First Data Bank is
15 no longer going to be providing AWP data. So we
16 will need to find a substitute.

17 Q. And let me clarify my question. My
18 question was prior to that time that you learned
19 that, had the state of New Hampshire considered
20 using some other price figure?

21 A. Not that I'm aware of.

22 Q. And at the very beginning of the day

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1 you testified that you had a meeting last week
2 with Mr. Henderson who -- it was actually a
3 conference call that lasted about an hour and a
4 half?

5 **A. Yes.**

6 Q. What was the purpose of that call?

7 MR. HENDERSON: Objection.

8 MS. WEISSBARD: I would object to that,
9 too. Jonathan Gallo was on the call, our
10 attorney.

11 MR. BERLIN: Also a third party was on
12 the call as well, right?

13 MR. HENDERSON: Well, it is our
14 position, Mr. Berlin, that we have a common
15 interest in rooting out fraud against the
16 Medicaid program.

17 MR. BERLIN: But that's not what was
18 represented earlier in the deposition. What was
19 represented was that the state of New Hampshire
20 is a neutral party and not an adverse witness.
21 And that was what was said on the record. So my
22 question has not yet gone to the substance of the